

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-1670-BO-KS

CARLOS A. ALFORD,)
Plaintiff,)
)
v.)
)
BILL NELSON, JIM BRIENSTEIN, and)
CHRISTINE PAULSEN,)
Defendants.)

ORDER

This cause comes before the Court on the memorandum and recommendation of United States Magistrate Judge Kimberly Swank. [DE 5]. Plaintiff has failed to respond to the memorandum and recommendation (M&R) and the time for doing so has expired. Magistrate Judge Swank has recommended that plaintiff's application to proceed *in forma pauperis* be denied and that the clerk be directed to close the case unless plaintiff pays the filing fee by May 3, 2024.

"The Federal Magistrates Act requires a district court to make a *de novo* determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. 636(b). Absent timely objection, "a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond*, 416 F.3d at 315 (quotation omitted).

Here, despite being warned as to the consequences, plaintiff made no objection to the M&R. Having considered the M&R and record, the Court is satisfied that there is no clear error on the face of the record and adopts the magistrate judge's recommendation.

CONCLUSION

For the foregoing reasons, the M&R is ADOPTED. Plaintiff's motion to proceed *in forma pauperis* [DE 2] is DENIED. Plaintiff shall pay the requisite filing fee not later than May 3, 2024. Failure to do so will result in this case being closed.

SO ORDERED, this 23 day of April 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE